

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER  
TWO THOUSAND AND FOUR

PRESENT  
**THE HON'BLE MR JUSTICE B.PRAKASH RAO**  
**WRIT PETITION NO : 8538 of 2004**

Between:

Sri Banothu Ramesh Naik S/o Sri B. Veeru Naik  
R/o Basavataraka Colony Village, K.P.Jagannathapuram Post,  
Palvoncha (M), Khammam Dist.

**..... PETITIONER**

AND

- 1 Sri Arvind Kumar, I.A.S., The Collector, Khammam Dist.-507001
- 2 The Mandal Revenue Officer, Yellandu (M), Khammam Dist.
- 3 The Director of Mines & Geology 8th Floor, B.R.K.R. Buildings,  
Tank Bund Road, Hyderabad-29
- 4 The Dy. Director of Mines & Geology, Warangal Region, H.No.2-7-109,  
Central Excise Colony, Subedari, Hanamkonda, Warangal-506001
- 5 The Asst. Director of Mines & Geology, A-2/19, Singareni Buildings,  
Behind Court, Labour Enforcement Office & Junior College Retiece  
Basthi, Kothagudem, Khammam Dist.
- 6 The State of A.P. rep. by Prl. Secretary to Govt. and Commissioner for  
Industrial Promotion, Secretariat buildings, Hyderabad-22
- 7 The Project Officer, Integrated Tribal Dev. Agency (ITDA),  
Khammam-507001
- 8 The State of A.P. rep. by Prl. Secretary (Tribal Welfare)  
Social Welfare Dept., Secretariat Buildings,  
Hyderabad-22

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly in the nature of writ of mandamus declaring Note No.Peshi/57/2003 dt: 26-1-2003 of the 1st respondent as illegal, arbitrary, ultra vires the powers vested in him under law and contrary to the provisions of the Mines & Minerals (Development & Regulation) Act, 1957 and the A.P.Minor Meneral Concession Rules, 1966 apart from being violative of Art. 14 of the Constitution of India and consequently quash the same in the interest of law and justice

**Counsel for the Petitioner:MR.PANNALA.SRINIVAS**

**Counsel for the Respondent : GP FOR SOCIAL WELFARE FOR RAPP.  
GP FOR INDUSTRIES & COMMERCE FOR RAPP.**

**The Court made the following :**

-

-

**ORDER:**

-

Heard both sides and at their request the writ petition itself is taken up for disposal.

The petitioner herein, who is an applicant for quarry lease, filed this writ petition inter alia seeking to assail the impugned proceedings of the 1<sup>st</sup> respondent herein dated 26.1.2003. For the sake of convenience, the same is extracted hereunder:

“NOTE

A Large number of applications are coming up for taking up Marble extraction and processing. You shall not process them without my prior permission. All files shall routed through the Collector in this regard.”

Learned counsel for the petitioner submits that a direction has been issued in the aforesaid proceeding said to be

omnibus and laconic and which does not contain any reasons and, therefore, the said order is wholly unsustainable. Further, the order does not disclose as to why the applications should not be considered for grant of permission. Hence, the writ petition.

Learned Government Pleader for Industries and Commerce submits that in view of certain complaints received, the 1<sup>st</sup> respondent issued the said proceedings. However, having regard to the fact that the petitioner has already been given the lease, there may not be any grievance, as such.

Considering the submissions made on either side and also the material available on record, the impugned order, as stated above, ex facie, is laconic and does not contain any reasons. However, the 1<sup>st</sup> respondent in his official capacity has no powers conferred under the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and the A.P. Minor Mineral Concession Rules, 1966, to issue any such directions or interdict in the process of grant of lease. The entire procedure is specifically made out at various stages including the consultations in between various departments. In view of the same, it is quite apparent that the impugned proceedings

are totally without any power.

The writ petition is accordingly allowed and the impugned order is set aside. No costs.

24.9.2004

CVM

To,

- 1 Sri Arvind Kumar, I.A.S., The Collector, Khammam Dist.-507001
- 2 The Mandal Revenue Officer, Yellandu (M), Khammam Dist.
- 3 The Director of Mines & Geology 8th Floor, B.R.K.R. Buildings,  
Tank Bund Road, Hyderabad-29
- 4 The Dy. Director of Mines & Geology, Warangal Region, H.No.2-7-109,  
Central Excise Colony, Subedari, Hanamkonda, Warangal-506001
- 5 The Asst. Director of Mines & Geology, A-2/19, Singareni Buildings,  
Behind Court, Labour Enforcement Office & Junior College Retiece  
Basthi, Kothagudem, Khammam Dist.
- 6 The State of A.P. rep. by Prl. Secretary to Govt. and Commissioner for  
Industrial Promotion, Secretariat buildings, Hyderabad-22
- 7 The Project Officer, Integrated Tribal Dev. Agency (ITDA),  
Khammam-507001
- 8 The State of A.P. rep. by Prl. Secretary (Tribal Welfare)  
Social Welfare Dept., Secretariat Buildings,  
Hyderabad-22
9. 2 CCs each to G.P. for Industries and Commerce and G.P. for Social  
Welfare, High Court of A.P., Hyderabad (OUT).
10. 2 CD copies.